

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on October 6, 2009 has been entered.

### ***Information Disclosure Statement***

2. In the official action mailed on June 26, 2008, examiner mistakenly indicated that the miscellaneous letter submitted May 7, 2008 should be formally cited on PTO form 1449. Upon further review said miscellaneous letter does not constitute prior art, but rather, information from related litigation pursuant to MPEP 2001.06 (c). Examiner apologizes for the error.

### ***Allowable Subject Matter***

3. Claims 31, 33, 34, 39, 42, 44, 45, 50-59, 61-62, and 65 are allowed. The following is an examiner's statement of reasons for allowance: The prior art of record fails to sufficiently describe or suggest an apparatus comprising a first processing device, wherein the processing device generates and transmits a first signal to at least one of a fuel cell, a fuel cell temperature measuring device, fuel cell by-product measuring device, and a fuel cell output measuring device, wherein at least one of the devices is located at or is associated with a premises, wherein the first processing device is located at a location remote from the premises. The first processing

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device is responsive to a second signal from a second processing device located at a remote location, remote from the first processing device and the premises, and wherein the signal is transmitted over the Internet or the World Wide Web. The first signal is transmitted from the first processing device to a third processing device located at the premises and the third processing device generates or transmits a third signal to at least one of a fuel cell, a fuel cell temperature measuring device, fuel cell by-product measuring device, and a fuel cell output measuring device. The first processing device or third processing device determines whether an action or an operation associated with information contained in the first signal is an authorized or allowed operation and if the action or operation is authorized or allowed, the third processing device generates and transmits a third signal in response to the first signal. These along with further limitations set forth by the claims render the application allowable over the prior art of record.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC M. BLOUNT whose telephone number is (571)272-2973.

The examiner can normally be reached on Monday-Thursday 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin C. Lee can be reached on (571) 272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric M. Blount  
Primary Examiner  
Art Unit 2612

/Eric M. Blount/  
Primary Examiner, Art Unit 2612